

Notice of Allowability

Application No.

10/759,144

Examiner

Carlos Lugo

Applicant(s)

GARZA ET AL.

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's amendment filed on November 14, 2005.
2. ☒ The allowed claim(s) is/are 42,44-48,53 and 56-58.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. This Office Action is in response to applicant's amendment filed on November 14, 2005.

Allowable Subject Matter

2. **Claims 42,44-48,53, and 56-58 are allowed.**

Reasons For Allowance

3. The following is an examiner's statement of reasons for allowance:

Claims 42,46,53 and 58 are allowable over the prior art of record because the teachings of the references taken as a whole do not teach or render obvious the combination set forth, including that the pivot means secures the bar to a u-shaped bracket (Claims 43,55 and 58), and that the piece is secured to the handle by means of bolts and nuts (claims 46 and 58).

Christensen (US 3,025,095) discloses an assist device comprising an elongated bar (16). One end of the bar is constructed and arranged to pivot about a pivot means (at 18) and the other end of the bar is constructed and arranged to receive a piece (19) therein. The piece is attached to a handle (22), projects outwardly from the handle, in use is immovable relative to the handle, and is not as wide as the handle. The engagement of the piece and the handle creates stop surfaces (edge of 22) for the bar as the piece is introduced into the bar.

However, Christensen fails to disclose that the pivot means (at 18) secures the bar (16) to a U-shape bracket. Christensen discloses that the pivot means (18) secures the bar (16) to a piece of rubber (17).

Merryman (US 6,102,451) teaches that it is well known in the art to have a bar (14) pivotally secured to a U-shaped bracket (11).

However, it would not be obvious to provide the device described by Christensen with a U-shaped bracket, as taught by Merryman, because Christensen device is used to pivot in different directions with respect to the latch used. As seen in Figure 1, Christensen shows a first latch that is actuated by pivoting the bar 16 in and out with respect to the door. In Figure 2, Christensen shows a second latch that is actuated by pivoting the bar 16 up and down. Therefore, if we provide the device with a U-shaped bracket, then the device described by Christensen will not be capable of being used in different latch configurations.

Also, Christensen fails to disclose that the piece is secured to the handle by means of bolts and nuts. Christensen discloses that the piece (19) is introduced into the handle (23), not attached by means of bolts and nuts.

Mandell (US 6,601,881) discloses an assist device comprising an elongated bar (40). One end of the bar is constructed and arranged to pivot about a pivot means (at 28) and the other end of the bar is constructed and arranged to receive a piece (48) therein. The piece is attached to a handle (20), projects outwardly from the handle, in use is immovable relative to the handle, and is not as wide as the handle.

However, Mandel fails to disclose that the engagement of the piece and the handle creates stop surfaces for the bar as the piece is introduced into the bar.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number 571-272-7058. The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-272-7049.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

C.L.

Carlos Lugo
AU 3676

November 16, 2005.



**BRIAN E. GLESSNER
SUPERVISORY PATENT EXAMINER**